

Message Text

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E.O. 11652: N/A

TAGS: CI, PINT

SUBJECT: COURT ACTIVITY IN POLITICAL CASES

(A) SANTIAGO 7438; (B) SANTIAGO 7433; (C) SANTIAGO 7374;

(D) SANTIAGO 7361; (E) SANTIAGO 7165

1. FUENTEALBA EXPULSION CASE: ATTORNEY FOR CHRISTIAN DEMOCRATIC (PDC) LEADER RENAN FUENTEALBA ADDED NEW TWIST TO EXPULSION CASE DEC 10 BE REQUESTING SUPREME COURT RULING ON CONSTITUTIONALITY OF DECREE LAWS (DL) 81 (REF A), PROVIDING FOR EXPULSION IN INTEREST OF NATIONAL SECURITY, AND 788 (REF B), PROVIDING THAT DECREE LAWS FROM SEPTEMBER 11, 1973 HAVE EFFECT OF CONSTITUTIONAL AMENDMENTS. APPEAL ARGUES THAT BOTH DECREE LAWS ARE UNCONSTITUTIONAL AND THAT GOC HAD ISSUED HASTILY WRITTEN DL 788 IN RESPONSE TO FUENTEALBA CASE AND IN APPARENT ATTEMPT TO MAKE DL 81 LEGAL UNDER THE CONSTITUTION.

2. IN APPEALS COURTS, REQUEST FOR HABEAS CORPUS (AMPARO) (REF D) ON FUENTEALBA IS STILL PENDING. COURT DEC 9 ASKED TO SEE INTERIOR MINISTRY DECREE 1950 OF NOV 26, WHICH ORDERED FUENTEALBA EXPULSION, COMPLETE TEXT OF FUENTEALBA STATEMENT TO AFP, AND ALL OTHER MATERIAL AVAILABLE ON CASE.

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3. APPEAL OF MASS "AMPARO" DECISION. IN CONSIDER-

ATION OF MASS "AMPARO" PETITION (REF C), SUPREME COURT HAS REQUESTED THAT THE INTERIOR MINISTER INFORM THE COURT OF THE WHEREABOUTS OF 24 DETAINEES, AND THAT MINISTERS OF INTERIOR AND DEFENSE PROVIDE COURT WITH INFORMATION CONCERNING THE DATES, CIRCUMSTANCES, AND LOCATION OF ARREST FOR 56 OTHER PERSONS. NO NAMES WERE PUBLISHED IN PRESS ACCOUNTS.

4. SUPREME COURT DEC 6 UPHELD DECISION OF APPEALS COURT WHICH HAD GRANTED "AMPARO" TO LAN-CHILE STEWARD (REF E). MINISTER OF INTERIOR HAD APPEALED CASE TO SUPREME COURT STATING DECISION OF TWO APPEALS COURT JUDGES WAS NOT IN NATIONAL INTEREST AND DANGEROUS FOR THE NATIONAL SECURITY.

5. COMMENT: CHRISTIAN DEMOCRATS ARE PUSHING FUENEALBA CASE TO THE HILT AND HAVE TAKEN OBVIOUS NEXT STEP OF CONTESTING CONSTITUTIONALITY OF DL 81 AND 788. DEFENSE LAWYER TOLD EMBOFF THAT GOC KNEW OF HIS INTENTION TO ARGUE CONSTITUTIONALITY OF DL 81 AND THUS HAD HASTILY DRAFTED AND ISSUED DL 788. OF INTEREST IN MASS "AMPARO" CASE IS COURT'S REQUEST FOR SPECIFIC INFORMATION ON EVENTS, EVEN THOUGH DECISION HAS NOT BEEN MADE ON CASE. WE CANNOT REMEMBER A REQUEST OF THIS TYPE HAVING BEEN MADE PREVIOUSLY.
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